

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1135

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH (150) (Sponsor), BRATTIN, WIELAND, DIEHL,
SCHOELLER, JONES (89) AND KOENIG (Co-sponsors).

4770L.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 536.041, RSMo, and to enact in lieu thereof three new sections relating to the review of state administrative rules.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 536.041, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 536.032, 536.041, and 536.175, to read as follows:

536.032. Upon the filing of a request by a state agency with the joint committee on administrative rules and the secretary of state concurrently, and after publication in the Missouri Register, the secretary of state shall have the authority to make nonsubstantive changes to the code of state regulations to update changes in department or division name information in response to statutory changes or executive orders, or to changes in state agency address, state agency telephone numbers, email addresses, or state agency website addresses.

536.041. Any person may **file a written** petition **with** an agency requesting the adoption, amendment or repeal of any rule. Any agency receiving such a petition or other request in writing to adopt, amend or repeal any rule shall forthwith furnish a copy thereof to the joint committee on administrative rules and to the commissioner of administration[, together with the action, if any, taken or contemplated by the agency as a result of such petition or request, and the agency's reasons therefor]. **Within sixty days after the receipt of the petition, the agency shall submit a written response to the petitioner and copies of the response, in electronic format, to the joint committee on administrative rules and to the commissioner of administration,**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 containing its determination whether such rule should be continued without change,
10 amended, or rescinded, together with a concise summary of the state agency's specific facts
11 and findings with respect to the criteria set forth in subsection 4 of section 536.175. If the
12 agency determines the rule merits amendment or rescission, it shall initiate proceedings in
13 accordance with the applicable requirements of this chapter. The joint committee may
14 refer comments or recommendations concerning such rule to the general assembly for
15 further action.

536.175. 1. All rules filed by any state agency on or after August 28, 2012, shall
2 automatically terminate ten years after their effective date.

3 2. All rules currently in effect on August 28, 2012, shall expire as follows:

4 (1) Rules which became effective on or before December 31, 1989, shall expire June
5 30, 2015;

6 (2) Rules which became effective between January 1, 1990, and December 31, 1995,
7 shall expire June 30, 2016;

8 (3) Rules which became effective between January 1, 1996, and December 31, 2000,
9 shall expire June 30, 2017;

10 (4) Rules which became effective between January 1, 2001, and December 31, 2005,
11 shall expire June 30, 2018;

12 (5) Rules which became effective between January 1, 2006, and December 31, 2007,
13 shall expire June 30, 2019;

14 (6) Rules which became effective between January 1, 2008, and August 28, 2012,
15 and including all rules filed but not yet effective as of August 28, 2012, shall expire June
16 30, 2020.

17 3. If an agency desires to continue the effectiveness of any rule beyond its scheduled
18 termination date, the agency shall repromulgate the rule under the procedures contained
19 in section 536.021 at least once every ten years.

20 4. For each rule, amendment, or repromulgation filed on or after August 28, 2012,
21 the agency shall review the rule to determine all of the following:

22 (1) Whether the rule continues to be necessary, taking into consideration the
23 purpose, scope, and intent of the statute under which the rule was adopted;

24 (2) Whether the rule is obsolete, taking into consideration the length of time since
25 the rule was modified and the degree to which technology, economic conditions, or other
26 relevant factors have changed in the subject area affected by the rule;

27 (3) Whether the rule overlaps, duplicates, or conflicts with other state rules, and
28 to the extent feasible, with federal and local governmental rules;

29 **(4) Whether a less restrictive, more narrowly tailored or alternative rule could**
30 **adequately protect the public or accomplish the same statutory purpose;**

31 **(5) Whether the rule needs amendment or rescission to reduce regulatory burdens**
32 **on individuals, businesses, or political subdivisions or eliminate unnecessary paperwork;**
33 **and**

34 **(6) Whether the rule incorporates a text or other material by reference and, if so,**
35 **whether the text or other material incorporated by reference meets the requirements of**
36 **section 536.031.**

37 **5. The agency shall file a brief, concise statement of its findings, based on the**
38 **criteria set forth in subsection 4 of this section, with any rulemakings filed under the**
39 **procedures contained in section 536.021.**

40 **6. The joint committee on administrative rules shall provide a report on a semi-**
41 **annual basis to state departments, the secretary of state, and by posting the information**
42 **on its website detailing which rules are scheduled to terminate within two years of the date**
43 **of the report. In no event shall the inclusion or noninclusion of a rule in such report affect**
44 **the scheduled termination date of a rule. The state agencies with authority to promulgate**
45 **the rules shall ultimately remain responsible for monitoring the effectiveness of their rules.**

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